



IOWA ADMINISTRATIVE BULLETIN

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PREFACE

The Iowa Administrative Bulletin is published biweekly in pamphlet form pursuant to Iowa Code chapters 2B and 17A and contains Notices of Intended Action on rules, Filed and Filed Emergency rules by state agencies.

It also contains Proclamations and Executive Orders of the Governor which are general and permanent in nature; Economic Impact Statements to proposed rules and filed emergency rules; Objections filed by Administrative Rules Review Committee, Governor or the Attorney General; and Delay by the Committee of the effective date of filed rules; Regulatory Flexibility Analyses and Agenda for monthly Administrative Rules Review Committee meetings. Other “materials deemed fitting and proper by the Administrative Rules Review Committee” include summaries of Public Hearings, Attorney General Opinions and Supreme Court Decisions.

The Bulletin may also contain Public Funds Interest Rates [12C.6]; Workers’ Compensation Rate Filings [515A.6(7)]; Usury [535.2(3)“a”]; Agricultural Credit Corporation Maximum Loan Rates [535.12]; and Regional Banking—Notice of Application and Hearing [524.1905(2)].

PLEASE NOTE: *Italics* indicate new material added to existing rules; ~~strike-through letters~~ indicate deleted material.

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CITATION of Administrative Rules

The Iowa Administrative Code shall be cited as (agency identification number) IAC
(chapter, rule, subrule, lettered paragraph, or numbered subparagraph).

441 IAC 79	(Chapter)
441 IAC 79.1(249A)	(Rule)
441 IAC 79.1(1)	(Subrule)
441 IAC 79.1(1)"a"	(Paragraph)
441 IAC 79.1(1)"a"(1)	(Subparagraph)

The Iowa Administrative Bulletin shall be cited as IAB (volume), (number), (publication
date), (page number), (ARC number).

Schedule for Rule Making 2003

NOTICE SUBMISSION DEADLINE	NOTICE PUB. DATE	HEARING OR COMMENTS 20 DAYS	FIRST POSSIBLE ADOPTION DATE 35 DAYS	ADOPTED FILING DEADLINE	ADOPTED PUB. DATE	FIRST POSSIBLE EFFECTIVE DATE	POSSIBLE EXPIRATION OF NOTICE 180 DAYS
Jan. 3 '03	Jan. 22 '03	Feb. 11 '03	Feb. 26 '03	Feb. 28 '03	Mar. 19 '03	Apr. 23 '03	July 21 '03
Jan. 17	Feb. 5	Feb. 25	Mar. 12	Mar. 14	Apr. 2	May 7	Aug. 4
Jan. 31	Feb. 19	Mar. 11	Mar. 26	Mar. 28	Apr. 16	May 21	Aug. 18
Feb. 14	Mar. 5	Mar. 25	Apr. 9	Apr. 11	Apr. 30	June 4	Sept. 1
Feb. 28	Mar. 19	Apr. 8	Apr. 23	Apr. 25	May 14	June 18	Sept. 15
Mar. 14	Apr. 2	Apr. 22	May 7	May 9	May 28	July 2	Sept. 29
Mar. 28	Apr. 16	May 6	May 21	May 23	June 11	July 16	Oct. 13
Apr. 11	Apr. 30	May 20	June 4	June 6	June 25	July 30	Oct. 27
Apr. 25	May 14	June 3	June 18	June 20	July 9	Aug. 13	Nov. 10
May 9	May 28	June 17	July 2	July 4	July 23	Aug. 27	Nov. 24
May 23	June 11	July 1	July 16	July 18	Aug. 6	Sept. 10	Dec. 8
June 6	June 25	July 15	July 30	Aug. 1	Aug. 20	Sept. 24	Dec. 22
June 20	July 9	July 29	Aug. 13	Aug. 15	Sept. 3	Oct. 8	Jan. 5 '04
July 4	July 23	Aug. 12	Aug. 27	Aug. 29	Sept. 17	Oct. 22	Jan. 19 '04
July 18	Aug. 6	Aug. 26	Sept. 10	Sept. 12	Oct. 1	Nov. 5	Feb. 2 '04
Aug. 1	Aug. 20	Sept. 9	Sept. 24	Sept. 26	Oct. 15	Nov. 19	Feb. 16 '04
Aug. 15	Sept. 3	Sept. 23	Oct. 8	Oct. 10	Oct. 29	Dec. 3	Mar. 1 '04
Aug. 29	Sept. 17	Oct. 7	Oct. 22	Oct. 24	Nov. 12	Dec. 17	Mar. 15 '04
Sept. 12	Oct. 1	Oct. 21	Nov. 5	Nov. 7	Nov. 26	Dec. 31	Mar. 29 '04
Sept. 26	Oct. 15	Nov. 4	Nov. 19	***Nov. 19***	Dec. 10	Jan. 14 '04	Apr. 12 '04
Oct. 10	Oct. 29	Nov. 18	Dec. 3	Dec. 5	Dec. 24	Jan. 28 '04	Apr. 26 '04
Oct. 24	Nov. 12	Dec. 2	Dec. 17	***Dec. 17***	Jan. 7 '04	Feb. 11 '04	May 10 '04
Nov. 7	Nov. 26	Dec. 16	Dec. 31	Jan. 2 '04	Jan. 21 '04	Feb. 25 '04	May 24 '04
Nov. 19	Dec. 10	Dec. 30	Jan. 14 '04	Jan. 16 '04	Feb. 4 '04	Mar. 10 '04	June 7 '04
Dec. 5	Dec. 24	Jan. 13 '04	Jan. 28 '04	Jan. 30 '04	Feb. 18 '04	Mar. 24 '04	June 21 '04
Dec. 17	Jan. 7 '04	Jan. 27 '04	Feb. 11 '04	Feb. 13 '04	Mar. 3 '04	Apr. 7 '04	July 5 '04
Jan. 2 '04	Jan. 21 '04	Feb. 10 '04	Feb. 25 '04	Feb. 27 '04	Mar. 17 '04	Apr. 21 '04	July 19 '04

PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
2	Friday, July 4, 2003	July 23, 2003
3	Friday, July 18, 2003	August 6, 2003
4	Friday, August 1, 2003	August 20, 2003

PLEASE NOTE:

Rules will not be accepted after **12 o'clock noon** on the Friday filing deadline days unless prior approval has been received from the Administrative Rules Coordinator's office.

If the filing deadline falls on a legal holiday, submissions made on the following Monday will be accepted.

Note change of filing deadline

PUBLICATION PROCEDURES

TO: Administrative Rules Coordinators and Text Processors of State Agencies
FROM: Kathleen K. Bates, Iowa Administrative Code Editor
SUBJECT: Publication of Rules in Iowa Administrative Bulletin

The Administrative Code Division uses QuickSilver XML Publisher, version 1.5.3, to publish the Iowa Administrative Bulletin and can import documents directly from most other word processing systems, including Microsoft Word, Word for Windows (Word 7 or earlier), and WordPerfect.

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The Administrative Rules Review Committee will hold its regular, statutory meeting on Tuesday, July 8, 2003, at 9 a.m. and Wednesday, July 9, 2003, at 9 a.m. in Room 116, State Capitol, Des Moines, Iowa. The following rules will be reviewed:

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Embryo transfer for Iowa-foaled status, 62.37, Filed **ARC 2547B** 6/25/03

COLLEGE STUDENT AID COMMISSION[283]

EDUCATION DEPARTMENT[281]"umbrella"

Agency procedure for rule making, ch 2, Notice **ARC 2536B** 6/11/03

Declaratory orders, ch 3, Notice **ARC 2535B** 6/11/03

Due process, ch 4, Notice **ARC 2534B** 6/11/03

Contested cases, ch 5, Notice **ARC 2533B** 6/11/03

Public records and fair information practices, ch 6, Notice **ARC 2532B** 6/11/03

Uniform rules for waivers, ch 7, Notice **ARC 2531B** 6/11/03

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]

Entrepreneurial ventures assistance program, 60.2, 60.4, 60.5, 60.7(3)"a"(2),

60.7(3)"d," Filed **ARC 2519B** 6/11/03

EDUCATIONAL EXAMINERS BOARD[282]

EDUCATION DEPARTMENT[281]"umbrella"

License denial or revocation, 11.35, 12.2(2), Filed **ARC 2537B** 6/11/03

EDUCATION DEPARTMENT[281]

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EMERGENCY MANAGEMENT DIVISION[605]

PUBLIC DEFENSE DEPARTMENT[601]"umbrella"

Iowa comprehensive plan, ch 9, Filed **ARC 2543B** 6/25/03

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NATURAL RESOURCES DEPARTMENT[561]"umbrella"

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HUMAN SERVICES DEPARTMENT[441]

Food stamp program 65.3, 65.10, 65.23, Notice **ARC 2559B** 6/25/03

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statewide average charges and medicaid rates for care in medical institutions,

75.23(3), 75.24(3)"b," 75.24(3)"b"(1) to (5), Filed Without Notice **ARC 2540B** 6/11/03

Recovery of payments from estates of medicaid recipients,

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Supported community living services under home- and community-based

mental retardation and brain injury waivers, 77.37(14)"e"(2),

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78.43(2)"d," Notice **ARC 2152B**, Terminated **ARC 2528B** 6/11/03

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INSPECTIONS AND APPEALS DEPARTMENT[481]

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- Electronic delivery of group life insurance certificates, 30.8, Notice **ARC 2529B** 6/11/03
- Electronic delivery of accident and health group insurance certificates,
 35.8, Notice **ARC 2530B** 6/11/03

IOWA FINANCE AUTHORITY[265]

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]“umbrella”

- Low-income housing tax credits—2004 qualified allocation plan, 12.1, 12.2, Notice **ARC 2560B** 6/25/03

LOTTERY DIVISION[705]

REVENUE AND FINANCE DEPARTMENT[701]“umbrella”

- Criminal and financial background investigations; purchasing,
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- Pull-tab prizes, 11.6, Filed **ARC 2551B** 6/25/03

MEDICAL EXAMINERS BOARD[653]

PUBLIC HEALTH DEPARTMENT[641]“umbrella”

- Physician supervision of a physician assistant, ch 21 title, 21.1, Notice **ARC 2545B** 6/25/03

NURSING BOARD[655]

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- Newsletter; public records, 1.3(6) 1.4, 11.2(4)“b”(3), 11.4, 11.5, Notice **ARC 2558B** 6/25/03
- License fee increases, 3.1, Filed **ARC 2557B** 6/25/03
- Charge for online renewal of license, 3.1, Filed **ARC 2556B** 6/25/03
- Delegation of nonlifesaving procedures to EMS personnel, 6.2(5)“c,” Filed **ARC 2553B** 6/25/03
- LPNs at end-stage renal dialysis units—standards of practice,
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- LPNs at WIC clinics—standards of practice, 6.6(6), Filed **ARC 2554B** 6/25/03

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RACING AND GAMING COMMISSION[491]

INSPECTIONS AND APPEALS DEPARTMENT[481]“umbrella”

- Commission consideration of a deferred judgment and adjudication of delinquency as a conviction;
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REAL ESTATE APPRAISER EXAMINING BOARD[193F]

Professional Licensing and Regulation Division[193]

COMMERCE DEPARTMENT[181]“umbrella”

- Work product review of original and upgrade applications; work product review fee,
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- Election administration—administrative complaint procedure, adopt ch 25, Notice **ARC 2539B** 6/11/03

UTILITIES DIVISION[199]

COMMERCE DEPARTMENT[181]“umbrella”

- Gas pipeline and storage, ch 10 title, 10.1, 10.2(1), 10.4(1), 10.7, 10.8, 10.9(1), 10.12(1)“e” and “f,”
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ADMINISTRATIVE RULES REVIEW COMMITTEE MEMBERS

Regular statutory meetings are held the second Tuesday of each month at the seat of government as provided in Iowa Code section 17A.8. A special meeting may be called by the Chair at any place in the state and at any time.

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808 West Jefferson
Creston, Iowa 50801

Senator Michael Connolly
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Dubuque, Iowa 52002

Senator John P. Kibbie
P.O. Box 190
Emmetsburg, Iowa 50536

Senator Paul McKinley
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Administrative Rules Coordinator
Governor's Ex Officio Representative
Capitol, Room 11
Des Moines, Iowa 50319

To All Agencies:

The Administrative Rules Review Committee voted to request that Agencies comply with Iowa Code section 17A.4(1)“b” by allowing the opportunity for oral presentation (hearing) to be held at least **twenty** days after publication of Notice in the Iowa Administrative Bulletin.

AGENCY	HEARING LOCATION	DATE AND TIME OF HEARING
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EDUCATIONAL EXAMINERS BOARD[282]

Abuse identification training required for renewal of substitute authorization, 14.143(3) IAB 5/28/03 ARC 2501B	Room 3 North Grimes State Office Bldg. Des Moines, Iowa	June 26, 2003 1:30 p.m.
Evaluator training required for renewal of administrator's license, 17.7(3) IAB 5/28/03 ARC 2502B	Room 3 North Grimes State Office Bldg. Des Moines, Iowa	June 26, 2003 2 p.m.
Abuse identification training required for renewal of behind-the-wheel driving instructor authorization, 21.5 IAB 5/28/03 ARC 2503B	Room 3 North Grimes State Office Bldg. Des Moines, Iowa	June 26, 2003 1:30 p.m.

ENVIRONMENTAL PROTECTION COMMISSION[567]

Air quality, 21.2, 22.1, 23.1, 25.1(9) IAB 6/11/03 ARC 2525B	Conference Room 4 Air Quality Bureau 7900 Hickman Rd. Urbandale, Iowa	July 15, 2003 1 p.m.
Reauthorization for general permit no. 4, 64.15(4), 69.1(2), 69.2, 69.9(1), 69.10(6), 69.11(1) IAB 6/11/03 ARC 2526B	Delaware County Community Center 200 E. Acres Manchester, Iowa	July 1, 2003 10 a.m. to 1 p.m.
	Conference Room Atlantic Municipal Utilities 15 W. Third Atlantic, Iowa	July 2, 2003 1 to 4 p.m.
	Arrowhead AEA 824 Flindt Dr. Storm Lake, Iowa	July 3, 2003 9 a.m. to 12 noon
	Wallace Auditorium Wallace State Office Bldg. Des Moines, Iowa	July 8, 2003 1 to 4 p.m.
	Helen Wilson Gallery, Public Library 120 E. Main Washington, Iowa	July 9, 2003 9 a.m. to 12 noon
	Muse-Norris Conference Center NIACC 500 College Dr. Mason City, Iowa	July 10, 2003 12 noon to 3 p.m.

INSPECTIONS AND APPEALS DEPARTMENT[481]

Hospitals, 51.7(4), 51.8, 51.53 IAB 6/11/03 ARC 2520B	Conference Room 320 Lucas State Office Bldg. Des Moines, Iowa	July 2, 2003 10 a.m.
Nursing facilities and residential care facilities, 58.51, 60.12(1), 61.12(2) IAB 6/11/03 ARC 2521B	Conference Room 311 Lucas State Office Bldg. Des Moines, Iowa	July 3, 2003 10 a.m.

INSURANCE DIVISION[191]

Electronic delivery of group life insurance certificates, 30.8 IAB 6/11/03 ARC 2529B	330 Maple St. Des Moines, Iowa	July 2, 2003 10 a.m.
Electronic delivery of accident and health group insurance certificates, 35.8 IAB 6/11/03 ARC 2530B	330 Maple St. Des Moines, Iowa	July 2, 2003 10 a.m.

IOWA FINANCE AUTHORITY[265]

Low-income housing tax credits— qualified allocation plan, 12.1, 12.2 IAB 6/25/03 ARC 2560B (ICN Network)	Main Conference Room, Second Floor 200 E. Grand Ave. Des Moines, Iowa	July 16, 2003 9 to 11:30 a.m.
	Public Library 424 Central Ave. Fort Dodge, Iowa	July 16, 2003 9 to 11:30 a.m.
	Revere Room, Grant Wood AEA 4401 Sixth St. SW Cedar Rapids, Iowa	July 16, 2003 9 to 11:30 a.m.
	Room 3, Contin. Ed. Bldg. Iowa Western Community College 2700 College Rd. Council Bluffs, Iowa	July 16, 2003 9 to 11:30 a.m.
	Room 107, Technical Center Southwestern Community College 1501 W. Townline Rd. Creston, Iowa	July 16, 2003 9 to 11:30 a.m.
	Kimberly Center 1002 W. Kimberly Davenport, Iowa	July 16, 2003 9 to 11:30 a.m.
	Carnegie-Stout Public Library 360 W. 11th St. Dubuque, Iowa	July 16, 2003 9 to 11:30 a.m.
	Room 153, Mason City High School 1700 Fourth SE Mason City, Iowa	July 16, 2003 9 to 11:30 a.m.
	Videoconferencing and Training Center Indian Hills Community College 651 Indian Hills Dr. Ottumwa, Iowa	July 16, 2003 9 to 11:30 a.m.

IOWA FINANCE AUTHORITY[265] (Cont'd)
(ICN Network)

Room 127B, Building B Western Iowa Tech Community College 4647 Stone Ave. Sioux City, Iowa	July 16, 2003 9 to 11:30 a.m.
Classroom A, Gerard Hall Allen College 1950 Heath St. Waterloo, Iowa	July 16, 2003 9 to 11:30 a.m.

MEDICAL EXAMINERS BOARD[653]

Physician eligibility to supervise a physician assistant, 21.1 IAB 6/25/03 ARC 2545B	Suite C 400 SW Eighth St. Des Moines, Iowa	July 15, 2003 3 p.m.
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PROFESSIONAL LICENSURE DIVISION[645]

Social work examiners, amend chs 279, 280; adopt new chs 282, 283 IAB 6/11/03 ARC 2514B	Fifth Floor Board Conference Room Lucas State Office Bldg. Des Moines, Iowa	July 1, 2003 9 to 11 a.m.
Speech pathology and audiology examiners, amend chs 299, 300, 303; adopt new ch 304 IAB 5/28/03 ARC 2512B	Fifth Floor Board Conference Room Lucas State Office Bldg. Des Moines, Iowa	June 26, 2003 9 to 11 a.m.

UTILITIES DIVISION[199]

Alternate energy purchase programs, 15.1, 15.17, 20.9(2) IAB 5/14/03 ARC 2459B	Hearing Room 350 Maple St. Des Moines, Iowa	June 27, 2003 10 a.m.
Definition of "eligible customers," 22.1 IAB 6/25/03 ARC 2549B	Hearing Room 350 Maple St. Des Moines, Iowa	August 12, 2003 10 a.m.

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Claims and benefits, amend ch 24 IAB 6/11/03 ARC 2518B	1000 E. Grand Ave. Des Moines, Iowa	July 2, 2003 9:30 a.m.
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Due to reorganization of state government by 1986 Iowa Acts, chapter 1245, it was necessary to revise the agency identification numbering system, i.e., the bracketed number following the agency name.

“Umbrella” agencies and elected officials are set out below at the left-hand margin in CAPITAL letters.

Divisions (boards, commissions, etc.) are indented and set out in lowercase type under their statutory “umbrellas.”

Other autonomous agencies which were not included in the original reorganization legislation as “umbrella” agencies are included alphabetically in small capitals at the left-hand margin, e.g., BEEF INDUSTRY COUNCIL, IOWA[101].

The following list will be updated as changes occur:

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Agricultural Development Authority[25]

Soil Conservation Division[27]

ATTORNEY GENERAL[61]

AUDITOR OF STATE[81]

BEEF INDUSTRY COUNCIL, IOWA[101]

BLIND, DEPARTMENT FOR THE[111]

CAPITAL INVESTMENT BOARD, IOWA[123]

CITIZENS’ AIDE[141]

CIVIL RIGHTS COMMISSION[161]

COMMERCE DEPARTMENT[181]

Alcoholic Beverages Division[185]

Banking Division[187]

Credit Union Division[189]

Insurance Division[191]

Professional Licensing and Regulation Division[193]

Accountancy Examining Board[193A]

Architectural Examining Board[193B]

Engineering and Land Surveying Examining Board[193C]

Landscape Architectural Examining Board[193D]

Real Estate Commission[193E]

Real Estate Appraiser Examining Board[193F]

Savings and Loan Division[197]

Utilities Division[199]

CORRECTIONS DEPARTMENT[201]

Parole Board[205]

CULTURAL AFFAIRS DEPARTMENT[221]

Arts Division[222]

Historical Division[223]

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]

City Development Board[263]

Iowa Finance Authority[265]

EDUCATION DEPARTMENT[281]

Educational Examiners Board[282]

College Student Aid Commission[283]

Higher Education Loan Authority[284]

Iowa Advance Funding Authority[285]

Libraries and Information Services Division[286]

Public Broadcasting Division[288]

School Budget Review Committee[289]

EGG COUNCIL, IOWA[301]

ELDER AFFAIRS DEPARTMENT[321]

EMPOWERMENT BOARD, IOWA[349]

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

EXECUTIVE COUNCIL[361]

FAIR BOARD[371]

GENERAL SERVICES DEPARTMENT[401]

HUMAN INVESTMENT COUNCIL[417]

HUMAN RIGHTS DEPARTMENT[421]

Community Action Agencies Division[427]

Criminal and Juvenile Justice Planning Division[428]

Deaf Services Division[429]

Persons With Disabilities Division[431]

Latino Affairs Division[433]

Status of African-Americans, Division on the[434]

Status of Women Division[435]

HUMAN SERVICES DEPARTMENT[441]

INFORMATION TECHNOLOGY DEPARTMENT[471]

INSPECTIONS AND APPEALS DEPARTMENT[481]
 Employment Appeal Board[486]
 Foster Care Review Board[489]
 Racing and Gaming Commission[491]
 State Public Defender[493]
LAW ENFORCEMENT ACADEMY[501]
LIVESTOCK HEALTH ADVISORY COUNCIL[521]
MANAGEMENT DEPARTMENT[541]
 Appeal Board, State[543]
 City Finance Committee[545]
 County Finance Committee[547]
NARCOTICS ENFORCEMENT ADVISORY COUNCIL[551]
NATIONAL AND COMMUNITY SERVICE, IOWA COMMISSION ON[555]
NATURAL RESOURCES DEPARTMENT[561]
 Energy and Geological Resources Division[565]
 Environmental Protection Commission[567]
 Natural Resource Commission[571]
 Preserves, State Advisory Board for[575]
PERSONNEL DEPARTMENT[581]
PETROLEUM UNDERGROUND STORAGE TANK FUND
 BOARD, IOWA COMPREHENSIVE[591]
PREVENTION OF DISABILITIES POLICY COUNCIL[597]
PUBLIC DEFENSE DEPARTMENT[601]
 Emergency Management Division[605]
 Military Division[611]
PUBLIC EMPLOYMENT RELATIONS BOARD[621]
PUBLIC HEALTH DEPARTMENT[641]
 Substance Abuse Commission[643]
 Professional Licensure Division[645]
 Dental Examiners Board[650]
 Medical Examiners Board[653]
 Nursing Board[655]
 Pharmacy Examiners Board[657]
PUBLIC SAFETY DEPARTMENT[661]
RECORDS COMMISSION[671]
REGENTS BOARD[681]
 Archaeologist[685]
REVENUE AND FINANCE DEPARTMENT[701]
 Lottery Division[705]
SECRETARY OF STATE[721]
SEED CAPITAL CORPORATION, IOWA[727]
SHEEP AND WOOL PROMOTION BOARD, IOWA[741]
TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA[751]
TRANSPORTATION DEPARTMENT[761]
 Railway Finance Authority[765]
TREASURER OF STATE[781]
TURKEY MARKETING COUNCIL, IOWA[787]
UNIFORM STATE LAWS COMMISSION[791]
VETERANS AFFAIRS COMMISSION[801]
VETERINARY MEDICINE BOARD[811]
VOTER REGISTRATION COMMISSION[821]
WORKFORCE DEVELOPMENT DEPARTMENT[871]
 Labor Services Division[875]
 Workers' Compensation Division[876]
 Workforce Development Board and
 Workforce Development Center Administration Division[877]

ARC 2542B**EDUCATION DEPARTMENT[281]****Amended Notice of Intended Action**

Pursuant to the authority of Iowa Code subsection 256.7(5), the State Board of Education hereby amends the Notice of Intended Action to amend Chapter 12, "General Accreditation Standards," Iowa Administrative Code.

The Notice of Intended Action was published in the May 28, 2003, Iowa Administrative Bulletin as **ARC 2499B**. Upon review of the proposed amendments, Department staff discovered that subrule 12.7(3) had been submitted to the Administrative Code Editor's office with different language from the language that had been approved by the State Board of Education at its meeting on May 8, 2003. This proposed amendment rescinds that subrule and replaces it with the subrule approved by the Board.

Persons may present their views in writing by submitting them to Deb Hansen, Consultant, Department of Education, Grimes State Office Building, Des Moines, Iowa 50319, or by sending an E-mail to deb.hansen@ed.state.ia.us. The public comment period stated in the original Notice of Intended Action has been extended to July 15, 2003.

This amendment is intended to implement Iowa Code section 284.6.

The following amendment is proposed.

Rescind subrule 12.7(3) as proposed in **ARC 2499B**, May 28, 2003, Iowa Administrative Bulletin, and adopt the following **new** subrule in lieu thereof:

12.7(3) Professional development for accredited schools. Each accredited school shall incorporate into its comprehensive school improvement plan provisions for the professional development of staff. To meet the professional needs of instructional staff, staff development activities shall align with school achievement goals and shall be based on student achievement needs and staff professional development needs. The plan shall deliver research-based instructional practices to achieve increased student achievement, learning, and performance as stated in the comprehensive school improvement plan.

GENERAL SERVICES DEPARTMENT**Public Notice**

Notice of Official Publication Rate Increase
For the Fiscal Year Commencing
July 1, 2003, and Ending June 30, 2004

In accordance with Iowa Code section 618.11, the state printing administrator hereby publishes the lineage rate* for newspaper publications of any order, citation, or other publication required or allowed by law (also known as official publications) for the period commencing on July 1, 2003, and ending on June 30, 2004, in the following amounts:

* Lineage rate: "...each line of eight point type two inches in length, or its equivalent." (Iowa Code section 618.11)

One insertion = 36.5 cents

Each subsequent insertion = 24.7 cents

The rate becomes effective on July 1, 2003. The rate was determined by applying the formula specified in the statute. According to the federal department of labor, bureau of labor statistics, the consumer price index for all urban consumers increased 2.2% from April 2002 to April 2003. The April index was the most recent index available as of May 28, 2003, the date on which this notice was submitted for publication.

Pursuant to Iowa Code section 618.11, this notice is exempt from the rule-making process in Iowa Code chapter 17A.

Questions with respect to this notice may be directed to:

Scott Bertness, State Printing Administrator
Iowa Department of General Services
Grimes State Office Building
Des Moines, Iowa 50319
Telephone: (515)281-5050
E-mail: scott.bertness@dgs.state.ia.us

HUMAN SERVICES DEPARTMENT**Notice of Significant Changes in Methods and Standards for Setting Medicaid Payment Rates for Services**

Pursuant to the authority of Iowa Code section 249A.4 and the requirements of 42 Code of Federal Regulations Section 447.205, the Department of Human Services provides public notice of significant changes in the Iowa Medicaid reimbursement methodology for prescribed drugs, physician services, inpatient and outpatient hospital services, and services in hospital-based nursing facilities. These changes were adopted as amendments to Iowa Administrative Code 441—Chapter 79, "Other Policies Relating to Providers of Medical and Remedial Care," and Chapter 81, "Nursing Facilities," by the Council on Human Services on June 11, 2003, to be effective July 1, 2003.

The amendments to the Iowa Administrative Code are available for public inspection on the Internet at <http://www.dhs.state.ia.us/policyanalysis/RulesPages/dockets.htm> and at Department of Human Services county offices. Interested persons may also make written comments on or before July 30, 2003. Comments should be directed to the Office of Policy Analysis, Department of Human Services, at the Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

Comments received by the Department may be reviewed by the public on the Internet at <http://www.dhs.state.ia.us/policyanalysis/RulesPages/phcomm.htm> or at the Office of Policy Analysis, Department of Human Services, 5th Floor, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa.

Prescribed Drugs

The amendments that make changes to the Iowa Medicaid reimbursement methodology for prescribed drugs:

- Lower the pharmacy dispensing fee from \$5.17 to \$4.26. This change is estimated to reduce pharmacy reimbursement in state fiscal year 2004 by \$6,047,756 (\$2,188,078 in state funds and \$3,859,678 in federal funds).
- Lower the estimated acquisition cost (ingredient reimbursement) from the average published wholesale price less 10 percent to the average wholesale price less 12 percent.

HUMAN SERVICES DEPARTMENT(cont'd)

This change is estimated to reduce pharmacy reimbursement in state fiscal year 2004 by \$5,644,970 (\$2,042,350 in state funds and \$3,602,620 in federal funds).

- Set the multiplier used to calculate the state maximum allowable cost for drugs at 1.4. This factor, which is multiplied by the average wholesale acquisition cost for a group of equivalent products to set the maximum reimbursement for those drugs, is currently 2.1. This change is estimated to reduce pharmacy reimbursement in state fiscal year 2004 by \$2,553,863 (\$904,225 in state funds and \$1,649,638 in federal funds).

These changes are Medicaid cost containment measures mandated by House File 619, section 7, passed by the 2003 Iowa General Assembly and signed by the Governor on May 2, 2003. Pursuant to this mandate, this change in reimbursement methodology will be effective July 1, 2003.

Physician Services

The changes to the Iowa Medicaid reimbursement methodology for physician services implement a supplemental payment for physician services provided to Medicaid recipients at qualifying publicly owned acute-care teaching hospitals. These changes are mandated by House File 619, section 11, passed by the 2003 Iowa General Assembly and signed by the Governor on May 2, 2003. Pursuant to this mandate, this change in reimbursement methodology will be effective July 1, 2003.

The Department will make supplemental payments for services provided by participating physicians at qualifying hospitals equal to the difference between the physicians' usual and customary charges (the applicable maximum payment for federal financial participation under 42 CFR 447) and the amount otherwise paid pursuant to the fee schedule for physicians' services under the Iowa Medicaid program.

"Participating physicians" are those employed by a qualifying hospital or who have assigned Iowa Medicaid payments to a qualifying hospital or an organized health care delivery system affiliated with a qualifying hospital so that payment can be made to the hospital or the organized health care delivery system in conformance with 441 Iowa Administrative Code 79.1(10) and 42 Code of Federal Regulations 447.10(g).

"Qualifying hospitals" are publicly owned acute-care teaching hospitals eligible to receive payments under 441 Iowa Administrative Code 79.1(5)"y" that enter into an agreement with the Department to make intergovernmental transfers to the Department, as allowed by 42 Code of Federal Regulations 433.51, in amounts equal to all supplemental payments made for physician services provided by participating physicians at the qualifying hospital. As required by House File 619, the Department will deposit the returned payments in the Department's medical assistance account.

Due to federal financial participation in the initial supplemental payment to the hospital, the net effect of the supplemental payment and intergovernmental transfer will be increased federal funding for the Medicaid program equal to the federal matching percentage (currently 63.82%) of the initial supplemental payment (approximately \$21.2 million annually). It is estimated that the increased federal funding to the Medicaid program during the 2003-04 fiscal year will be approximately \$13.5 million. The State appropriation for the program has been reduced accordingly.

These supplemental payments and the intergovernmental transfers of the amounts back to the Department are necessary to comply with the legislative directive under House File 619, section 11. Consistent with this directive and its intent, this approach is necessary to permissibly leverage additional

federal funds that will serve to replace corresponding reductions in state medical assistance appropriations. Absence of these funds, in light of these reductions, would result in the need to otherwise reduce expenditures under the medical assistance program through steps that could include, but might not be limited to: across-the-board reductions in provider reimbursement, elimination of optional eligibility or service categories, or other permissible limitations in service.

Hospitals and Hospital-Based Nursing Facilities

The changes to Iowa Medicaid reimbursement methodology for hospitals and hospital-based nursing facilities affect services to recipients who are "dually eligible" under both the federal Medicare program and the state Medicaid program (known as "crossover claims").

Medicaid will reimburse for Medicare coinsurance and deductible amounts only to the extent that actual payments from Medicare are less than the Medicaid reimbursement for the service. Medicare policy generally permits Medicare coinsurance, copayment, and deductible amounts that aren't collected to be treated as a "Medicare bad debt." Medicare reimburses hospitals 70 percent of their Medicare bad debt. Medicaid will pay the remaining 30 percent of the bad debt resulting from the reduction of Medicaid crossover payments.

These changes are a Medicaid cost containment measure. Although they are expected to reduce Medicaid payments \$11,729,543 in state fiscal year 2004 (\$4,242,947 in state funds and \$7,486,596 in federal funds), no net revenue impact is expected for the facilities.

ARC 2559B**HUMAN SERVICES
DEPARTMENT[441]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 234.6, the Department of Human Services proposes to amend Chapter 65, "Administration," Iowa Administrative Code.

These amendments implement final federal food stamp regulations published April 29, 2003, which take effect on November 1, 2003. Those regulations make the following changes to food stamp program policy:

- Non-monthly reporting households must report a change of more than \$50 in unearned income. (This change is incorporated by reference.)
- Non-monthly reporting households will not have a change in income acted upon unless the change will continue for at least one month beyond the month the change is reported. (This change is incorporated by reference.)
- Non-monthly reporting households must verify a change in the amount of income of more than \$50 at recertification. (This change is incorporated by reference.)
- States have a choice of two options for non-monthly reporting households to report ongoing changes in earned income. Because of a waiver of federal regulations (which is now rescinded), Iowa currently has a rule requiring these households to report a change in earned income of more than

HUMAN SERVICES DEPARTMENT[441](cont'd)

\$100. The language for the waiver is now one of the options in the final regulations. Iowa will continue with the current rule.

- Non-monthly reporting households must report changes within ten days of the date the change becomes known to the household. States can choose one of three options for determining when the change becomes known to the household. Iowa chooses to use the date the first payment reflecting the change is received as the date the change “becomes known” to the household.

- States have the option of determining how to average income. Iowa chooses to continue averaging by anticipating income fluctuations over the certification period.

These amendments do not provide for waivers in specified situations because the Department does not have the authority to waive federal law or regulation.

Any interested person may make written comments on the proposed amendments on or before July 16, 2003. Comments should be directed to the Office of Policy Analysis, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments are intended to implement Iowa Code section 234.6, subsection 7.

The following amendments are proposed.

ITEM 1. Amend rule 441—65.3(234), introductory paragraph, as follows:

441—65.3(234) Administration of program. The food stamp program shall be administered in accordance with the Food Stamp Act of 1977, 7 U.S.C. 2011 et seq., and in accordance with federal regulation, Title 7, Parts 270 through 283 as amended to ~~June 19, 2002~~ April 29, 2003.

ITEM 2. Amend rule **441—65.10(234)**, first unnumbered paragraph, as follows:

Households which are exempt from filing a monthly report must report a change in total household gross earned income of more than \$100 per month. *Households exempt from filing a monthly report must report changes in income within ten days of the date the household receives the first payment reflecting the change.*

ITEM 3. Amend rule 441—65.23(234) as follows:

441—65.23(234) Weekly or biweekly income and prospective budgeting *Prospective budgeting.*

65.23(1) Weekly or biweekly income and prospective budgeting. Households receiving benefits determined by prospective budgeting shall have the actual or converted amount of income that is received on a weekly or biweekly basis considered for that benefit month.

65.23(2) Income averaging. *The department shall average income by anticipating income fluctuations over the certification period. The number of months used to arrive at the average income should be the number of months that are representative of the anticipated income fluctuation.*

ARC 2560B**IOWA FINANCE AUTHORITY[265]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 17A.3(1)“b” and 16.5(17), the Iowa Finance Authority proposes to amend Chapter 12, “Low-Income Housing Tax Credits,” Iowa Administrative Code.

These amendments replace the current qualified allocation plan for the Low-Income Housing Tax Credit Program with the 2004 qualified allocation plan, which is incorporated by reference in rule 12.1(16).

The qualified allocation plan sets forth the purpose of the plan, the administrative information required for participation in the program, the threshold criteria, the selection criteria, the postreservation requirements, the appeal process, and the compliance-monitoring component. The plan also establishes the fees for filing an application for low-income housing tax credits and for compliance monitoring. Copies of the qualified allocation plan are available upon request from the Authority and are available electronically on the Authority’s Web site at www.ifahome.com. It is the Authority’s intent to incorporate the 2004 qualified allocation plan by reference consistent with Iowa Code chapter 17A and 265—subrules 17.4(2) and 17.12(2).

The Authority does not intend to grant waivers under the provisions of any of these rules. The qualified allocation plan is subject to state and federal requirements that cannot be waived. (See Internal Revenue Code Section 42 and Iowa Code section 16.52.) Moreover, due to the competitive nature of the award of low-income housing tax credits, waiver could create unevenness in the application of the rules and could expose the Authority to liability.

Consistent with Executive Order Number 9, the Authority has considered the regulatory principles identified in this order and finds that the proposed amendments will serve an important public need in furthering the housing policy of the state to encourage the production and availability of affordable housing in Iowa.

The Authority will receive written comments on the proposed amendments until 4:30 p.m. on July 16, 2003. Comments may be addressed to Tim Waddell, Tax Credit Manager, Iowa Finance Authority, 100 East Grand, Suite 250, Des Moines, Iowa 50309. Comments may also be faxed to Tim Waddell at (515)242-4957 or E-mailed to tim.waddell@ifa.state.ia.us.

The Authority will hold a public hearing on July 16, 2003, to receive public comments on these amendments. The public hearing will be held over the Iowa Communications Network (ICN) from 9 to 11:30 a.m., with the originating site at the Iowa Department of Economic Development, Main Conference Room, 2nd Floor, 200 East Grand Avenue, Des Moines, Iowa.

The following are the ten remote ICN sites where members of the public may attend the public hearing and make comments on these amendments:

IOWA FINANCE AUTHORITY[265](cont'd)

Fort Dodge	Fort Dodge Public Library 424 Central Avenue Fort Dodge, Iowa 50501 (515)573-8167 Room Location: Not specified
Dubuque	Carnegie-Stout Public Library 360 West 11th Street Dubuque, Iowa 52001 (563)589-4217 Room Location: Report to reference desk for directions.
Cedar Rapids	Grant Wood Area Education Agency 10 4401 6th Street SW Cedar Rapids, Iowa 52404 (319)399-6700 Room Location: Revere Room
Mason City	Mason City High School 1700 Fourth SE Mason City, Iowa 50401 (641)421-4436 Room Location: Room 153
Council Bluffs	Iowa Western Community College - 3 2700 College Road Council Bluffs, Iowa 51502 (712)325-3200 Room Location: Continuing Ed. Bldg., Room 3
Ottumwa	Indian Hills Comm. College - 6 651 Indian Hills Drive Ottumwa, Iowa 52501 (641)683-5228 Room Location: Videoconferencing & Training Center
Creston	Southwestern Comm. College - 2 1501 West Townline Road Creston, Iowa 50801 Room Location: Technical Center, Room 107
Sioux City	Western Iowa Tech Comm. College - 2 4647 Stone Avenue Sioux City, Iowa 51106 Room Location: Building B, Room 127B
Davenport	Kimberly Center 1002 W. Kimberly Davenport, Iowa 52806 (563)386-5840 Room Location: Not specified
Waterloo	Allen College 1950 Heath Street Waterloo, Iowa 50702 (319)226-2072 Room Location: Gerard Hall, Classroom A (ICN Aux. Classroom)

The Authority anticipates that it may make changes to the 2004 qualified allocation plan based on comments received from the public.

These amendments are intended to implement Iowa Code sections 16.4(3), 16.52, 17A.12, and 17A.16 and IRC Section 42.

The following amendments are proposed.

ITEM 1. Amend rule 265—12.1(16) as follows:

265—12.1(16) Qualified allocation plan. The qualified allocation plan entitled Iowa Finance Authority Low-Income Housing Tax Credit Program 2003 2004 Qualified Allocation Plan effective ~~October 9, 2002~~ *October 8, 2003*, shall be the qualified allocation plan for the ~~distribution~~ *allocation* of 2004 low-income housing tax credits consistent with IRC Section 42 and the applicable Treasury regulations and Iowa Code section 16.52. The qualified allocation plan includes the plan, application, and the application instructions. The qualified allocation plan is incorporated by reference pursuant to Iowa Code section 17A.6 and 265—subrules 17.4(2) and 17.12(2).

ITEM 2. Amend rule 265—12.2(16) as follows:

265—12.2(16) Location of copies of the plan. The qualified allocation plan can be reviewed and copied in its entirety on the authority's Web site at <http://www.ifahome.com>. Copies of the qualified allocation plan, application, and all related attachments and exhibits shall be deposited with the administrative rules coordinator and at the state law library. The plan incorporates by reference IRC Section 42 and the regulations in effect as of ~~October 9, 2002~~ *October 8, 2003*. Additionally, the plan incorporates by reference Iowa Code section 16.52. These documents are available from the state law library, and ~~links to information about~~ *is* on the authority's Web site. Copies are available upon request at no charge from the authority.

ARC 2545B

MEDICAL EXAMINERS BOARD[653]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 147.76 and 272C.3 and chapter 148, the Board of Medical Examiners hereby gives Notice of Intended Action to amend Chapter 21, "Physician Eligibility to Supervise a Physician Assistant," Iowa Administrative Code.

The Board approved proposed amendments to Chapter 21 during a telephone conference call held on June 5, 2003. The proposed amendments change the chapter title to reflect its broader purpose of addressing physician supervision, address eligibility to supervise, and establish that a physician shall notify the Board of any physician assistants being supervised, in accordance with 2003 Iowa Acts, House File 628.

Any interested person may present written comments on the proposed amendments not later than 4 p.m. on July 15, 2003. Such written materials should be sent to Ann E. Mowery, Executive Director, Board of Medical Examiners,

MEDICAL EXAMINERS BOARD[653](cont'd)

400 S.W. 8th Street, Suite C, Des Moines, Iowa 50309-4686, or by E-mail to ann.mowery@ibme.state.ia.us.

There will be a public hearing on July 15, 2003, at 3 p.m. in the Board office, at which time persons may present their views either orally or in writing. The Board of Medical Examiners office is located at 400 S.W. 8th Street, Suite C, Des Moines, Iowa.

These amendments are intended to implement Iowa Code chapter 148 as amended by 2003 Iowa Acts, House File 628, and Iowa Code section 272C.3.

The following amendments are proposed.

ITEM 1. Amend **653—Chapter 21**, title, as follows:

CHAPTER 21

PHYSICIAN ELIGIBILITY TO SUPERVISE
SUPERVISION OF A PHYSICIAN ASSISTANT

ITEM 2. Amend rule 653—21.1(148,272C) as follows:

653—21.1(148,272C) Authority to supervise a physician assistant. A physician with an active, permanent, special, or temporary Iowa license who is actively engaged in the practice of medicine in Iowa may supervise a physician assistant *unless the physician is ineligible according to rules 21.2(148,272C) and 21.3(148,272C).*

NOTE: 21.1(1) A physician licensed in another state and working for a federal facility is exempt from this chapter when the physician is supervising a physician assistant in a federal facility in Iowa.

21.1(2) *A physician who supervises a physician assistant shall notify the board of the supervisory relationship at the time of the physician's license renewal.*

ARC 2558B

NURSING BOARD[655]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 17A.3 and 147.76, the Board of Nursing hereby gives Notice of Intended Action to amend Chapter 1, “Administrative and Regulatory Authority,” and Chapter 11, “Examination of Public Records,” Iowa Administrative Code.

These amendments identify what types of licensee and personnel information are public records and make provision for obtaining these public records. The proposed rules set the requirements for printed matter and advertising in the Board's newsletter, a nonpublic forum.

Any interested person may make written comments or suggestions on or before July 15, 2003. Such written materials should be directed to the Executive Director, Iowa Board of Nursing, RiverPoint Business Park, 400 S.W. 8th Street, Suite B, Des Moines, Iowa 50309-4685. Persons who wish to convey their views orally should contact the Executive Director at (515)281-3256, or in the Board office at 400 S.W. 8th Street, by appointment.

These amendments are intended to implement Iowa Code chapters 147, 152 and 272C.

The following amendments are proposed.

ITEM 1. Rescind subrule 1.3(6) and insert in lieu thereof the following **new** subrule:

1.3(6) Public records and rosters. Public records and rosters of licensees shall be made available in accordance with Iowa Code chapter 22 and sections 147.8 and 147.43 and 655—Chapter 11.

ITEM 2. Adopt the following **new** rule:

655—1.4(147,152,272C) Newsletter.

1.4(1) The board may publish or contract with a vendor to publish a newsletter as a nonpublic forum to disseminate official information related to the regulated profession. This official information may include statutory requirements, statutory changes, rules, rule changes, proposed or pending rule changes, licensing requirements, license renewal procedures, board action, board interpretative rulings or guidelines, office procedures, disciplinary action, ethical or professional standards, education requirements, education opportunities (prelicense education, continuing education and professional development), board business, board meetings and board news.

1.4(2) When the board is required or allowed to mail notices to licensees about matters such as license renewal, the board may include such notices in the newsletter.

1.4(3) The newsletter may include vendor advertising to enable the board to communicate with licensees and other interested persons without expending moneys appropriated from the state's general fund, and to provide a targeted opportunity for licensees to receive profession-specific information to facilitate entry into the profession and enhance professional performance.

1.4(4) All newsletter advertising must be consistent with the board's mission. The board derives its legal authority for regulating and enforcing regulations for nursing education, nursing practice and continuing education for nurses under the provisions of Iowa Code chapters 147, 147A, 152, 152E and 272C. The mission of the board is to protect the public health, safety and welfare by ensuring that nursing is practiced by at least minimally competent licensed individuals who practice within their authorized scope of practice.

1.4(5) All newsletter advertising must be professional and respectful of the nature of the regulated profession, established as a nonpublic forum, and consistent with rules established by the board. Advertising shall be restricted to commercial offerings of goods and services directly related to the lawful practice of the profession or the regulation of the profession. Political, advocacy or issue-oriented advertising shall not be permitted.

1.4(6) Newsletter advertising shall be considered consistent with the board's mission if the advertising pertains to commercial offerings of goods or services in one or more of the following areas:

- a. Entry into the profession, such as prelicense education or internship opportunities.
- b. A licensee's compliance with statute or board rules, such as continuing education courses or publications containing professional standards.
- c. The lawful and competent performance of the profession, e.g., malpractice insurance, or goods or services uniquely used in the profession.
- d. Employment opportunities in the profession.
- e. A professional's marketing of professional services to other professionals.

NURSING BOARD[655](cont'd)

f. Education programs designed to enhance credentials of professionals, or professional-specific degrees.

11.4(7) Newsletter advertising shall be clearly separated from the substantive sections of each newsletter. Vendors authorized to solicit newsletter advertising must do so consistent with the board's advertising guidelines in a manner which is viewpoint-neutral and nondiscriminatory in all respects. Goods or services advertised in a newsletter must be lawful for all possible readers of any age to view, use or buy. The front page of each newsletter containing advertising must include a prominent disclaimer notifying the reader that the board plays no role in the solicitation of advertising and does not explicitly or implicitly endorse any advertiser or any good or service advertised in the newsletter.

ITEM 3. Rescind subrule **11.2(4)**, paragraph "**b**," subparagraph (3), and insert in lieu thereof the following new subparagraph:

(3) Personnel records of board staff and board members which may be confidential pursuant to Iowa Code section 22.7(11). The board maintains files containing information about employees, their families and dependents, and applicants for positions with the board. The files may include payroll records, biographical information, medical information relating to disability, performance reviews and evaluations, disciplinary information, information required for tax withholding, information concerning employee benefits, affirmative action reports, and other information concerning the employer-employee relationship.

ITEM 4. Adopt the following new rule:

655—11.4(17A,22,147,152,272C) Notice to suppliers of information. When the board requests a person to supply personal information, the board shall notify the person of the use that will be made of the information, which persons outside the board might routinely be provided this information, which parts of the requested information are required and which are optional, and the consequences of a failure to provide the requested information. This notice may be given in these rules, on the written form used to collect the information, on a separate fact sheet or letter, in brochures, in formal agreements, in contracts, in handbooks, in manuals, verbally, or by other appropriate means.

11.4(1) License and examination applicants. License and examination applicants are requested to supply a wide range of information depending on the qualifications required for licensure or for sitting for an examination, as provided by statutes, board rules and application forms. Failure to provide the requested information may result in denial of the application. Some requested information, such as a college transcript, social security number, examination score, or criminal history, is confidential under state or federal law, but most of the information contained in license or examination applications is treated as public information freely available for public examination.

11.4(2) Home address. License applicants and licensees are requested to provide their home addresses. These addresses are treated as open records. If a license applicant or licensee has a basis to shield a home address from public disclosure, such as a domestic abuse protective order, written notification should be provided to the board office. Absent a court order, the board does not have a basis under Iowa Code chapter 22 to shield the home address from public disclosure, but the board may refrain from placing the home address on its Web site and may notify the applicant or licensee before the home address is released to the public to provide an opportunity for the applicant or licensee to seek injunction.

11.4(3) License renewal. Licensees are requested to supply a wide range of information in connection with license renewal, including continuing education information, criminal history and disciplinary actions, as provided by statutes, board rules and application forms, both on paper and electronically. Failure to provide requested information may result in denial of the application. Most information contained on renewal applications is treated as public information freely available for public examination, but some information, such as criminal history, may be confidential under state or federal law.

11.4(4) Investigations. Licensees are required to respond to board requests for information involving the investigation of disciplinary complaints against licensees. Failure to timely respond may result in disciplinary action against the licensee to whom the request is made. Information provided in response to such a request is confidential pursuant to Iowa Code section 272C.6(4), but may become public if introduced at a hearing that is open to the public, contained in a final order, or filed with a court of judicial review.

ITEM 5. Adopt the following new rule:

655—11.5(17A,22,147,152,272C) Rosters. Rosters of licensees shall be made available to the public in accordance with Iowa Code chapter 22 and sections 147.8 and 147.43.

11.5(1) Upon receipt of a request, the board shall send to be signed by the purchaser a form which denotes that materials or publications shall not be published in any manner which could be construed by the public to mean that the board or any of its employees support, endorse, or approve the materials or publications to be disseminated.

11.5(2) A fee shall be assessed the person requesting a roster based on the rate of charge set by the outside vendor and the hourly wage of the office employee producing the roster. The fee assessed shall be paid directly to the board and shall be considered a repayment receipt as defined in Iowa Code section 8.2. The roster shall not be released until payment or purchase order has been received.

11.5(3) The executive director may authorize the release of a roster of Iowa licensees without cost in the case of any emergency whereby the interest of the public warrants immediate access to health care personnel.

11.5(4) State agencies that request a roster of Iowa licensees will be invoiced at cost as an electronic expenditure correction.

REVENUE AND FINANCE DEPARTMENT

Notice of Electric and Natural Gas Delivery Tax Rate Changes

Pursuant to the authority of Iowa Code sections 437A.4 and 437A.5, the Director of Revenue and Finance hereby gives notice of the changes to the electric and the natural gas delivery tax rates. These rates will be used in conjunction with the number of kilowatt hours of electricity and the number of therms of natural gas delivered to consumers in calendar year 2002 by each taxpayer in the 2003-2004 fiscal year.

REVENUE AND FINANCE DEPARTMENT(cont'd)

**2003 ELECTRIC DELIVERY TAX RATES
BY SERVICE AREA—RATE CHANGES ONLY**

CO. #	MUNICIPAL ELECTRICS	DELIVERY TAX RATE
3226	Akron Municipal Utilities	0.00006592
3207	Ames Municipal Electric System	0.00000094
3211	Bancroft Municipal Utilities	0.00089101
3213	Bellevue Municipal Utilities	0.00009854
3228	Bigelow Municipal Electric Utility	0.00220760
3216	Buffalo Municipal Electric System	0.00000306
3221	Cedar Falls Municipal Elec. Utility	0.00033402
3230	City of Fredericksburg	0.00000326
3236	Coggon Municipal Light Plant	0.00005311
3243	Danville Municipal Electric Utility	0.00000386
3245	Denver Municipal Electric Utility	0.00006110
3085	Earlville Municipal Utilities	0.00118909
3231	Glidden Municipal Electric Utility	0.00000198
3256	Graettinger Municipal Light Plant	0.00028571
3258	Grand Junction Municipal Utilities	0.00000477
3095	Greenfield Municipal Utilities	0.00119687
3099	Hinton Municipal Electric/Water	0.00010473
3267	Hopkinton Municipal Utilities	0.00000806
3271	Indianola Municipal Utilities	0.00000787
3276	LaPorte City Utilities	0.00000909
3109	Lenox Mun. Light & Power	0.00044973
3112	Manning Municipal Electric	0.00026825
3284	Mapleton Municipal Utilities	0.00009672
3285	Maquoketa Municipal Electric	0.00004645
3297	New Hampton Municipal Light Plant	0.00010408
3309	Panora Municipal Electric Utility	0.00008391
3321	Sioux Center Municipal Utilities	0.00000106
3326	State Center Municipal Light Plant	0.00034380
3327	Story City Municipal Electric Utility	0.00011463
3338	Waverly Light & Power	0.00077560
3345	West Bend Municipal Power Plant	0.00089368
3346	West Liberty Municipal Electric Util.	0.00000634
3347	West Point Municipal Utility System	0.00009639

CO. #	IOU's - ELECTRIC	DELIVERY TAX RATE
7270	IES Utilities	0.00237888
7272	Interstate Power	0.00104147
7289	MidAmerican Energy	0.00264702
7305	Omaha Public Power District	0.00138441

CO. #	REC's	DELIVERY TAX RATE
4319	Access Energy Coop	0.00082171
4214	Boone Valley Electric Coop	0.00090381
4219	Calhoun County Electric Coop	0.00144773
4235	Clarke Electric Coop	0.00281990
4287	Consumers Energy	0.00221059
4247	Eastern Iowa Light & Power	0.00072817
4251	Federated Rural Electric Assoc.	0.00050763
4253	Franklin Rural Electric Coop	0.00080054
4254	Freeborn-Mower Cooperative	0.00101413
4255	Glidden Rural Electric Coop	0.00092769
4259	Grundty County REC	0.00064887

4261	Guthrie County REC	0.00233312
4262	Hancock Co. REC	0.00129269
4265	Harrison County REC	0.00136127
4223	Heartland Power Coop	0.00071699
4268	Humboldt County REC	0.00099957
4273	Iowa Lakes Electric Coop	0.00095406
4279	Linn County REC	0.00176883
4280	Lyon Rural Electric Coop	0.00073567
4299	Nishnabotna Valley REC	0.00086586
4300	North West Rural Electric Coop	0.00058761
4308	Osceola Electric Coop	0.00048395
4310	Pella Cooperative Electric	0.00194961
4313	Pleasant Hill Community Line	0.00028530
4316	Rideta Electric Coop	0.00292371
4322	Southern Iowa Electric Coop	0.00152198
4329	T.I.P. Rural Electric Coop	0.00217871
4333	Tri County Electric Coop	0.00130837
4348	Western Iowa Power Coop	0.00098068
4352	Woodbury County REC	0.00120010

**2003 NATURAL GAS DELIVERY TAX RATES
BY SERVICE AREA—RATE CHANGES ONLY**

CO. #	MUNICIPAL GAS	DELIVERY TAX RATE
5215	Brighton Gas	0.06591442
5238	Coon Rapids Municipal Gas	0.00002413
5241	Corning Municipal Gas	0.00000108
5275	Lamoni Municipal Gas	0.00093091
5281	Manilla Municipal Gas	0.00371648
5283	Manning Municipal Gas	0.00019155

CO. #	IOU's - GAS	DELIVERY TAX RATE
5204	Allerton Gas	0.01588131
5272	Interstate Power	0.01839562
5270	IES Utilities	0.01204344
5335	United Cities Gas	0.00647805

**NOTICE—PUBLIC FUNDS
INTEREST RATES**

In compliance with Iowa Code chapter 74A and section 12C.6, the committee composed of Treasurer of State Michael L. Fitzgerald, Superintendent of Credit Unions James E. Forney, Superintendent of Banking Thomas B. Gronstal, and Auditor of State David A. Vaudt have established today the following rates of interest for public obligations and special assessments. The usury rate for June is 6.00%.

**INTEREST RATES FOR PUBLIC
OBLIGATIONS AND ASSESSMENTS**

74A.2 Unpaid Warrants Maximum 6.0%
74A.4 Special Assessments Maximum 9.0%

NOTICE—PUBLIC FUNDS INTEREST RATES(cont'd)

RECOMMENDED Rates for Public Obligations (74A.3) and School District Warrants (74A.7). A rate equal to 75% of the Federal Reserve monthly published indices for U.S. Government securities of comparable maturities. All Iowa Banks and Iowa Savings Associations as defined by Iowa Code section 12C.1 are eligible for public fund deposits as defined by Iowa Code section 12C.6A.

The rate of interest has been determined by a committee of the state of Iowa to be the minimum interest rate that shall be paid on public funds deposited in approved financial institutions. To be eligible to accept deposits of public funds of the state of Iowa, a financial institution shall demonstrate a commitment to serve the needs of the local community in which it is chartered to do business. These needs include credit services as well as deposit services. All such financial institutions are required to provide the committee with a written description of their commitment to provide credit services in the community. This statement is available for examination by citizens.

New official state interest rates, effective June 10, 2003, setting the minimums that may be paid by Iowa depositories on public funds are listed below.

TIME DEPOSITS

7-31 days	Minimum 0.70%
32-89 days	Minimum 0.70%
90-179 days	Minimum 0.70%
180-364 days	Minimum 0.80%
One year to 397 days	Minimum 0.80%
More than 397 days	Minimum 1.00%

These are minimum rates only. The one year and less are four-tenths of a percent below average rates. Public body treasurers and their depositories may negotiate a higher rate according to money market rates and conditions.

Inquiries may be sent to Michael L. Fitzgerald, Treasurer of State, State Capitol, Des Moines, Iowa 50319.

NOTICE—USURY

In accordance with the provisions of Iowa Code section 535.2, subsection 3, paragraph "a," the Superintendent of Banking has determined that the maximum lawful rate of interest shall be:

July 1, 2002 — July 31, 2002	7.25%
August 1, 2002 — August 31, 2002	7.00%
September 1, 2002 — September 30, 2002	6.75%
October 1, 2002 — October 31, 2002	6.25%
November 1, 2002 — November 30, 2002	5.75%
December 1, 2002 — December 31, 2002	6.00%
January 1, 2003 — January 31, 2003	6.00%
February 1, 2003 — February 28, 2003	6.00%
March 1, 2003 — March 31, 2003	6.00%
April 1, 2003 — April 30, 2003	6.00%
May 1, 2003 — May 31, 2003	5.75%
June 1, 2003 — June 30, 2003	6.00%
July 1, 2003 — July 31, 2003	5.50%

ARC 2549B

UTILITIES DIVISION[199]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to Iowa Code sections 17A.4, 476.1, 476.2, and 476.29, the Utilities Board (Board) gives notice that on June 6, 2003, the Board issued an order in Docket No. RMU-03-7, In re: Defining the Term "All Eligible Customers" in Iowa Code § 476.29(5), "Order Commencing Rule Making." The Board is proposing to amend 199 IAC 22.1(3) and 22.1(5) to incorporate a definition of the term "eligible customers" as used in Iowa Code § 476.29(5) regarding the provision of local telecommunications service. The background and support for the proposed amendments can be found in the June 6, 2003, order on the Board's Web site, www.state.ia.us/iub.

Pursuant to Iowa Code section 17A.4(1)"a" and "b," any interested person may file a written statement of position pertaining to the proposed amendments. The statement must be filed on or before July 15, 2003, by filing an original and ten copies in a form substantially complying with 199 IAC 2.2(2). All written statements should clearly state the author's name and address and should make specific reference to this docket. All communications should be directed to the Executive Secretary, Iowa Utilities Board, 350 Maple Street, Des Moines, Iowa 50319-0069.

An oral presentation to receive comments on the proposed amendments is scheduled. The presentation will be held at 10 a.m. on August 12, 2003, in the Board's hearing room at the address listed above. Persons with disabilities who require assistive services or devices to observe or participate should contact the Utilities Board at (515)281-5256 in advance of the scheduled date to request that appropriate arrangements be made.

These amendments are intended to implement Iowa Code sections 17A.4, 476.1, 476.2, and 476.29.

The following amendments are proposed.

ITEM 1. Amend subrule **22.1(3)** by adding the following **new** definition in alphabetical order:

"Eligible customers" means all residential and business customers located within the carrier's certificated exchange service area.

ITEM 2. Amend subrule 22.1(5) as follows:

22.1(5) Basic utility obligations. Each telephone utility shall *be prepared to* provide telephone service to ~~the public~~ *all eligible customers* in its exchange service area in accordance with ~~its~~ *the telephone utility's* rules and tariffs on file with the board. Such service shall normally meet or exceed the standards set forth in these rules governing "Rates Charged and Service Supplied by Telephone Utilities."

ARC 2547B**AGRICULTURE AND LAND
STEWARDSHIP DEPARTMENT[21]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 17A.3, 159.5(11) and 99D.22, the Department of Agriculture and Land Stewardship hereby amends Chapter 62, "Registration of Iowa-Foaled Horses and Iowa-Whelped Dogs," Iowa Administrative Code.

This rule allows embryo transfers to be eligible for Iowa-foaled status in the quarter horse portion of the Iowa-foaled horse program.

Notice of Intended Action was published in the April 2, 2003, Iowa Administrative Bulletin as **ARC 2371B**. No public comment was received on this rule. The adopted rule is identical to the one published under Notice.

This rule is intended to implement Iowa Code section 99D.22.

This rule will become effective July 30, 2003.

The following rule is adopted.

Amend 21—Chapter 62 by adopting the following **new** rule:

21—62.37(99D) Embryo transfer for Iowa-foaled status. Embryo transfers may be eligible for Iowa-foaled status in accordance with the following provisions:

62.37(1) The donor mare and the recipient mare must be in the state of Iowa before the first day of December of the year prior to foaling and must remain together at the same address until the foal or foals are born and are inspected by the department.

62.37(2) There is no limit to the number of foals eligible for Iowa-foaled status, provided the donor mare or a recipient mare:

- a. Carries the foal full term;
- b. Meets all the required Iowa rules; and
- c. Is inspected by the department.

62.37(3) Registration and status reports of recipient mares and donor mares must be submitted to the department with proper identification, including but not limited to registration certificates, brands, and identification numbers prior to the time the donor mare is serviced.

62.37(4) Recipient mares must have a name, brand, or some means of identification and must be photographed for inspection purposes.

[Filed 6/6/03, effective 7/30/03]

[Published 6/25/03]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/25/03.

ARC 2543B**EMERGENCY MANAGEMENT
DIVISION[605]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 29C.8, the Emergency Management Division hereby rescinds Chapter

9, "Iowa Emergency Plan," and adopts new Chapter 9, "Iowa Comprehensive Plan," Iowa Administrative Code.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 16, 2003, as **ARC 2422B**. No public comment was received on this rule making. In addition, these rules were simultaneously Adopted and Filed Emergency as **ARC 2424B**. These rules are identical to the rules published under Notice of Intended Action and Adopted and Filed Emergency.

These rules implement changes in the Iowa Comprehensive Plan resulting from a comprehensive review and rewrite of Part A: Iowa Emergency Response Plan by the Emergency Management Division with participation by those state agencies that have functional roles and responsibilities in disaster emergency response.

These rules shall become effective July 30, 2003, at which time the Adopted and Filed Emergency rules are hereby rescinded.

These rules are intended to implement Iowa Code section 29C.8.

The following amendment is adopted.

Rescind 605—Chapter 9 and adopt the following **new** chapter in lieu thereof:

CHAPTER 9**IOWA COMPREHENSIVE PLAN**

605—9.1(29C) Description. Iowa Code section 29C.8 requires the administrator of the emergency management division to prepare a comprehensive plan for homeland security, disaster response, recovery, mitigation, and emergency resource management for the state. This comprehensive plan is comprised of the following parts:

Part A: Iowa Emergency Response Plan

Part B: Iowa Hazard Mitigation Plan

Part C: Iowa Disaster Recovery Plan

Part D: Iowa Critical Asset Protection Plan (confidential per Iowa Code section 22.7, Confidential records)

605—9.2(29C) Part A: Iowa Emergency Response Plan. The Part A: Iowa Emergency Response Plan is developed in accordance with Iowa Code section 29C.8, and has been adopted, published, and maintained by the division. Part A details the state government response to a wide range of natural, technological or human-caused disasters.

1. A copy of Part A will be placed in the state library located in the Ola Babcock Miller Building, 1112 East Grand Avenue, Des Moines, Iowa.

2. Part A shall be distributed to state agencies and departments that have been assigned emergency functions and to all county sheriffs and county emergency management agencies.

3. The Iowa Emergency Response Plan serves as the state disaster emergency response document.

4. The division updates the plan by amendments promulgated by rule in accordance with Iowa Code chapter 17A and distributes amendments to all plan holders on the division distribution list.

5. Part A shall be available for public view at the Emergency Management Division, Hoover State Office Building, Level A, Des Moines, Iowa.

EMERGENCY MANAGEMENT DIVISION[605](cont'd)

These rules are intended to implement Iowa Code section 29C.8.

[Filed 5/28/03, effective 7/30/03]

[Published 6/25/03]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/25/03.

ARC 2552B**LOTTERY DIVISION[705]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 99E.9(3), the Lottery Division hereby amends Chapter 1, "General Operation of the Lottery," and Chapter 4, "Purchasing," Iowa Administrative Code.

All prospective Lottery employees are required to undergo and pass a criminal history background check, and candidates for key positions are required to go through more extensive criminal and financial background checks. Such background checks are required in order to protect the integrity of Lottery operations. Rule 705—1.30(99E) is being adopted in order to reflect current practices already in place at the Lottery with respect to background checks of prospective employees.

Chapter 4 is being amended for two reasons. The general purchasing rules are being amended so that they reflect changes in procurement practices that have occurred as technology has evolved and as a result of changes made in the Department of General Services' administrative rules. Additionally, changes are being made in the rules related to major procurements to ensure that the rules are in compliance with Iowa Code sections 72.3, 99E.9(2), and 99E.9(3). Iowa Code section 99E.9(2) was recently amended and requires that the scope of the background checks performed on vendors be defined in the Lottery Division's administrative rules.

Notice of Intended Action for these amendments was published in the April 30, 2003, Iowa Administrative Bulletin as **ARC 2450B**. A public hearing was scheduled for May 22, 2003, at the Iowa Lottery headquarters; however, the meeting was canceled because no written requests to make oral presentations during the meeting were received. The Lottery Division also received no written comments on the proposed amendments. The adopted amendments are identical to those published under Notice.

The Lottery Board adopted these amendments on June 5, 2003.

These amendments are intended to implement Iowa Code section 17A.3(1)"a" and chapter 99E.

These amendments will become effective on July 30, 2003.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [1.30, 4.1, 4.2, 4.12, 4.16] is being omitted. These amendments are identical to those published under Notice as **ARC 2450B**, IAB 4/30/03.

[Filed 6/6/03, effective 7/30/03]

[Published 6/25/03]

[For replacement pages for IAC, see IAC Supplement 6/25/03.]

ARC 2551B**LOTTERY DIVISION[705]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 99E.9(3), the Lottery Division hereby amends Chapter 11, "Pull-Tab General Rules," Iowa Administrative Code.

The purpose of this amendment is to employ the same terminology in the pull-tab prize rules as is used in the scratch ticket prize rules contained in Chapter 8 of the Lottery Division's administrative rules in order to remove the current limit placed on prizes in pull-tab games.

Notice of Intended Action for this amendment was published in the April 30, 2003, Iowa Administrative Bulletin as **ARC 2449B**. A public hearing was scheduled for May 22, 2003, at the Iowa Lottery headquarters; however, the meeting was canceled because no written requests to make oral presentations during the meeting were received. The Lottery Division also received no written comments on the proposed amendment. The adopted amendment is identical to that published under Notice.

The Lottery Board adopted this amendment on June 5, 2003.

This amendment is intended to implement Iowa Code section 17A.3(1)"a" and chapter 99E.

This amendment will become effective on July 30, 2003.

The following amendment is adopted.

Amend rule 705—11.6(99E) as follows:

705—11.6(99E) Prizes. ~~The top prize won on any pull-tab ticket shall not exceed \$500. The number and the amount of prizes shall be determined by the lottery and set forth by the specific game rules. All prizes awarded in a pull-tab game shall be low-tier prizes.~~

This rule is intended to implement Iowa Code sections section 99E.9(3), 99E.9(3)"b," and 99E.9(3)"d."

[Filed 6/6/03, effective 7/30/03]

[Published 6/25/03]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/25/03.

ARC 2557B**NURSING BOARD[655]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 17A.3 and 147.76, the Board of Nursing hereby amends Chapter 3, "License to Practice—Registered Nurse/Licensed Practical Nurse," Iowa Administrative Code.

These amendments increase license fees to support regulatory activities of the Board.

These amendments were published in the Iowa Administrative Bulletin on April 30, 2003, as **ARC 2452B**. These amendments are identical to those published under Notice.

These amendments will become effective July 30, 2003.

These amendments are intended to implement Iowa Code chapters 147 and 152.

The following amendments are adopted.

NURSING BOARD[655](cont'd)

Amend rule **655—3.1(17A,147,152,272C)**, definition of “fees,” numbered paragraphs **1, 2, 3, 4, 7** and **8**, to read as follows:

1. Application for original licensure based on the registered nurse examination, ~~\$75~~ **93**.
2. Application for original licensure based on the practical nurse examination, ~~\$75~~ **93**.
3. Application for registered nurse/licensed practical nurse licensure by endorsement, ~~\$101~~ **119**.
4. Application for registration as an advanced registered nurse practitioner, ~~\$21~~ **27** per year, or any portion of a year.
7. For reactivation of a license to practice as a registered nurse/licensed practical nurse, based on ~~\$27~~ **33** per year, or any portion of a year, ~~\$81~~ **99** for a license lasting more than 24 months up to 36 months.
8. For the renewal of a license to practice as a registered nurse/licensed practical nurse, ~~\$81~~ **99** for a three-year period.

[Filed 6/6/03, effective 7/30/03]

[Published 6/25/03]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/25/03.

ARC 2556B**NURSING BOARD[655]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 17A.3 and 147.76, the Board of Nursing hereby amends Chapter 3, “Licensure to Practice—Registered Nurse/Licensed Practical Nurse,” Iowa Administrative Code.

These amendments impose a convenience fee on nurses renewing licenses online and reference this fee in the definition of “repayment receipts.” The convenience fee will support the costs associated with the software and hardware to maintain the system.

These amendments were published in the Iowa Administrative Bulletin on April 2, 2003, as **ARC 2375B**.

The amendments as published under Notice were changed to reflect that a charge will be assessed for the convenience of online renewal. The dollar amount of the convenience charge was deleted and the word “fee” was changed to “charge.”

These amendments will become effective July 30, 2003.

These amendments are intended to implement Iowa Code chapters 147 and 152.

The following amendments are adopted.

ITEM 1. Amend rule **655—3.1(17A,147,152,272C)**, definition of “fees,” by adding the following new numbered paragraph **15**:

15. For the convenience of online license renewal, a charge will be assessed.

ITEM 2. Amend rule **655—3.1(17A,147,152,272C)**, definition of “repayment receipts,” to read as follows:

“Repayment receipts” means those moneys collected by a department or establishment that supplement an appropriation made by the legislature. Repayment receipts, as defined in Iowa Code section 8.2, apply to the definition of

“fees,” paragraphs “5,” “6,” “9,” “12,” and “13,” and “15” of in this rule.

[Filed 6/6/03, effective 7/30/03]

[Published 6/25/03]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/25/03.

ARC 2553B**NURSING BOARD[655]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 17A.3 and 147.76, the Board of Nursing hereby amends Chapter 6, “Nursing Practice for Registered Nurses/Licensed Practical Nurses,” Iowa Administrative Code.

This amendment clarifies that registered nurses may delegate nonlifesaving procedures to emergency medical services (EMS) personnel based on the EMS employee's level of certification and job description.

This amendment was published in the Iowa Administrative Bulletin on April 2, 2003, as **ARC 2374B**. This amendment is identical to that published under Notice.

This amendment will become effective July 30, 2003.

This amendment is intended to implement Iowa Code chapter 152.

The following amendment is adopted.

Amend subrule **6.2(5)**, paragraph “c,” to read as follows:

c. Using professional judgment in assigning and delegating activities and functions to unlicensed assistive personnel. Activities and functions which are beyond the scope of practice of the licensed practical nurse may not be delegated to unlicensed assistive personnel. *For the purposes of this paragraph, “unlicensed assistive personnel” does not include certified emergency medical services personnel authorized under Iowa Code chapter 147A performing non-lifesaving procedures for which those individuals have been certified and which are designated in a written job description, after the patient is observed by a registered nurse.*

[Filed 6/6/03, effective 7/30/03]

[Published 6/25/03]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/25/03.

ARC 2555B**NURSING BOARD[655]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 17A.3 and 147.76, the Board of Nursing hereby amends Chapter 6, “Nursing Practice for Registered Nurses/Licensed Practical Nurses,” Iowa Administrative Code.

These amendments allow the licensed practical nurse in an end-stage renal dialysis unit (ESRD) to administer local anesthesia prior to cannulation of the vascular access site. The amendments also permit the licensed practical nurse to administer, via the extracorporeal circuit, specific routine intravenous medications.

NURSING BOARD[655](cont'd)

These amendments were published in the Iowa Administrative Bulletin on April 2, 2003, as **ARC 2372B**. These amendments are identical to those published under Notice.

These amendments will become effective July 30, 2003.

These amendments are intended to implement Iowa Code chapter 152.

The following amendments are adopted.

Amend subrule **6.3(4)** by amending paragraph “**b**” and adopting **new** paragraph “**d**” as follows:

b. The administration of local anesthetic prior to cannulation of the peripheral vascular access site.

d. *The administration via the extracorporeal circuit of the routine intravenous medications erythropoietin, Vitamin D Analog and iron, excluding any iron preparation that requires a test dose in a certified end-stage renal dialysis setting, after the registered nurse has administered the first dose. When the registered nurse delegates the administration of the intravenous medications set out in this paragraph, there must be a written facility policy that defines the practice and written verification of the competency of the licensed practical nurse in accordance with the facility's written policy.*

[Filed 6/6/03, effective 7/30/03]

[Published 6/25/03]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/25/03.

ARC 2554B**NURSING BOARD[655]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 17A.3 and 147.76, the Board of Nursing hereby amends Chapter 6, “Nursing Practice for Registered Nurses/Licensed Practical Nurses,” Iowa Administrative Code.

This amendment will allow the licensed practical nurses employed by WIC clinics to perform specific functions without on-site supervision of the registered nurse.

This amendment was published in the Iowa Administrative Bulletin on April 2, 2003, as **ARC 2373B**. This amendment is identical to that published under Notice.

This amendment will become effective July 30, 2003.

This amendment is intended to implement Iowa Code chapter 152.

The following amendment is adopted.

Amend rule 655—6.6(152) by adding the following **new** subrule:

6.6(6) The licensed practical nurse shall be permitted to conduct height, weight and hemoglobin screening and record responses to health questions asked in a standardized questionnaire under the supervision of a registered nurse in a Women, Infants and Children (WIC) clinic. A registered nurse employed by or under contract to the WIC agency will assess the competency of the licensed practical nurse to perform these functions and will be available for consultation. The licensed practical nurse is responsible for performing under the scope of practice for licensed practical nurses and

requesting registered nurse consultation as needed. This exception to the proximate area requirement is limited to WIC clinics and to the services permitted in this subrule.

[Filed 6/6/03, effective 7/30/03]

[Published 6/25/03]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/25/03.

ARC 2546B**RACING AND GAMING
COMMISSION[491]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 99D.7 and 99F.4, the Iowa Racing and Gaming Commission hereby amends Chapter 4, “Contested Cases and Other Proceedings,” Chapter 6, “Occupational and Vendor Licensing,” and Chapter 10, “Thoroughbred and Quarter Horse Racing,” Iowa Administrative Code.

Items 1 through 4 allow the Commission to consider a deferred judgment and adjudication of delinquency as a conviction.

Item 5 establishes rules for quarter horse time trial races.

These adopted amendments were published under Notice of Intended Action in the April 2, 2003, Iowa Administrative Bulletin as **ARC 2363B**. A public hearing was held on April 22, 2003. No comments were received.

In Item 2, the phrase “and a juvenile who has been adjudicated delinquent” has been added to the definition of “conviction.” The words “and adjudications of delinquency” have been added to Items 3 and 4.

These amendments will become effective July 30, 2003.

These amendments are intended to implement Iowa Code chapters 99D and 99F.

The following amendments are adopted.

ITEM 1. Rescind and reserve subrule **4.4(3)**, paragraph “**d**.”

ITEM 2. Amend rule **491—6.1(99D,99F)** by adding the following **new** definition in alphabetical order:

“Conviction” means the act or process of judicially finding someone guilty of a crime; the state of a person's having been proved guilty; the judgment that a person is guilty of a crime or criminal offense, which includes a guilty plea entered in conjunction with a deferred judgment, and a juvenile who has been adjudicated delinquent.

ITEM 3. Amend subrule **6.2(1)**, paragraph “**c**,” subparagraph (1), and paragraph “**j**,” as follows:

(1) A record of conviction of a felony or misdemeanor, *including a record involving the entry of a deferred judgment and adjudications of delinquency*;

j. All licenses are conditional until completion of a necessary background investigation including, but not limited to, fingerprint processing through the DCI and the FBI and review of records on file with the Association of Racing Commissioners International national organizations, courts, law enforcement agencies, and the commission.

RACING AND GAMING COMMISSION[491](cont'd)

ITEM 4. Amend subrule **6.5(1)**, paragraph “**d**,” introductory paragraph, and paragraphs “**e**,” “**f**,” and “**h**,” as follows:

d. A license shall be denied if, within the last five years, an applicant has had a conviction, *including a conviction involving the entry of a deferred judgment and adjudications of delinquency*, of:

e. A license shall be denied if an applicant has a conviction of a serious or aggravated misdemeanor, *including a conviction involving the entry of a deferred judgment and adjudications of delinquency*, or the equivalent unless the commission representative determines that sufficient evidence of rehabilitation exists.

f. A license shall be denied if an applicant has multiple convictions of simple misdemeanors, *including those involving the entry of a deferred judgment and adjudications of delinquency*, or alcohol-related offenses unless the commission representative determines that sufficient evidence of rehabilitation exists. In making that determination, the number of violations shall be considered.

h. A license shall be temporarily denied or suspended until the outcome of any pending charges is known if conviction ~~of those charges~~, *including a conviction involving the entry of a deferred judgment and adjudications of delinquency*, would disqualify the applicant.

ITEM 5. Amend rule 491—10.6(99D) by adding the following **new** subrule:

10.6(19) Quarter horse time trial races.

a. Except in cases where the starting gate physically restricts the number of horses starting, each time trial shall consist of no more than ten horses.

b. The time trials shall be raced under the same conditions as the finals. If the time trials are conducted on the same day, the horses with the ten fastest times shall qualify to participate in the finals. If the time trials are conducted on two days, the horses with the five fastest times on the first day and the horses with the five fastest times on the second day shall qualify to participate in the finals. When time trials are conducted on two days, the racing office should make every attempt to split owners with more than one entry into separate days so that the owner's horses have a chance at all ten qualifying positions.

c. If the facility's starting gate has fewer than ten stalls, then the maximum number of qualifiers will correspond to the maximum number of starting gate post positions.

d. If only 11 or 12 horses are entered to run in time trials from a gate with 12 or more stalls, the facility may choose to run finals only. If 11 or 12 horses participate in the finals, only the first 10 finishers will receive purse money.

e. In the time trials, horses shall qualify on the basis of time and order of finish. The times of the horses in the time trial will be determined to the limit of the timer. The only exception is when two or more horses have the same time in the same trial heat. Then the order of finish shall also determine the preference in the horses' qualifying for the finals. Should two or more horses in different time trials have the same qualifying time to the limit of the timer for the final qualifying position(s), then a draw by public lot shall be conducted as directed by the stewards. Under no circumstances should stewards or placing judges attempt to determine horses' qualifying times in separate trials beyond the limit of the timer by comparing or enlarging a photo finish picture.

f. Except in the case of disqualification, under no circumstances shall a horse qualify ahead of a horse that finished ahead of that horse in the official order of finish in a time trial.

g. Should a horse be disqualified for interference during the running of a time trial, it shall receive the time of the horse it is immediately placed behind plus one hundredth of a second, or the maximum accuracy of the electronic timing device. No adjustments will be made in the times recorded in the time trials to account for headwind, tailwind, and off track. In the case where a horse is disqualified for interference with another horse causing loss of rider or the horse not to finish the race, the disqualified horse may be given no time plus one hundredth of a second, or the maximum accuracy of the electronic timing device.

h. Should a malfunction occur with an electronic timer on any time trial, finalists from that time trial will then be determined by official hand times operated by three official and disinterested persons. The average of the three hand times will be utilized for the winning time, unless one of the hand times is clearly incorrect. In such cases, the average of the two accurate hand times will be utilized for the winning time. The other horses in that race will be given times according to the order and margins of finish with the aid of the photo finish strip, if available.

i. When there is a malfunction of the timer during the time trials, but the timer operates correctly in other time trials, under no circumstances should the accurate electronic times be discarded and the average of the hand times used for all time trials. (The only exemption may be if the conditions of the stakes race so state, or state that, in the case of a malfunction of the timer in trials, finalists will be selected by order of finish in the trials.)

j. In the case where the accuracy of the electronic timer or the average of the hand times is questioned, the video of a time trial may be used to estimate the winning time by counting the number of video frames in the race from the moment the starting gate stall doors are fully open parallel to the racing track. This method is accurate to approximately .03 seconds. Should the case arise where the timer malfunctions and there are no hand times, the stewards have the option to select qualifiers based on the video time.

k. Should there be a malfunction of the starting gate and one or more stall doors not open or open after the exact moment when the starter dispatches the field, the stewards may declare the horses in stalls with malfunctioning doors to be nonstarters. The stewards should have the option, however, to allow any horse whose stall door opened late but still ran a time fast enough to qualify to be declared a starter for qualifying purposes. In the case where a horse breaks through the stall door or the stall door opens prior to the exact moment the starter dispatches the field, the horse must be declared a non-starter and all entry fees refunded. In the case where one or more, but not all, stall doors open at the exact moment the starter dispatches the field, these horses should be considered starters for qualifying purposes, and placed according to their electronic times. If the electronic timer malfunctions in this instance, the average of the hand times, or, if not available, the video time, should be utilized for the horses that were declared starters.

l. There will be an also eligible list only in the case of a disqualification for a positive drug test report, ineligibility of the horse according to the conditions of the race, or a disqualification by the stewards for a rule violation. Should a horse be disqualified for a positive drug test report, ineligibility of the horse according to the conditions of the race, or a disqualification by the stewards for a rule violation, the next fastest qualifier shall assume the disqualified horse's position in the finals.

m. If a horse should be scratched from the time trials, the horse's owner will not be eligible for a refund of the fees paid

RACING AND GAMING COMMISSION[491](cont'd)

and that horse will not be allowed to enter the finals under any circumstances. If a horse that qualified for the finals is unable to enter due to racing soundness or is scratched for any reason other than a positive drug test report or a rule violation, the horse shall be deemed to have earned, and the owner will receive, last place purse money. If more than one horse is scratched from the finals for any reason other than a positive drug test report or a rule violation, then the purse moneys shall be added together and divided equally among the owners.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/25/03.

ARC 2544B**REAL ESTATE APPRAISER
EXAMINING BOARD[193F]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 543D.5, the Real Estate Appraiser Examining Board hereby amends Chapter 3, "Examination," and Chapter 12, "Fees," Iowa Administrative Code.

The amendment to Chapter 3 establishes a process for work product review of original and upgrade applications, and the amendment to Chapter 12 establishes a fee for processing review of work product.

These amendments are subject to waiver or variance pursuant to 193—Chapter 5.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 30, 2003, as **ARC 2430B**. No oral or written comments were received. These amendments are identical to those published under Notice.

These amendments were approved during a conference call held on June 4, 2003. A conference call was held in lieu of a meeting in order to save the expense of a Board meeting and for the convenience of Board members dealing with time constraints.

These amendments will become effective July 30, 2003.

These amendments are intended to implement Iowa Code chapters 272C and 543D.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [3.5, 12.1] is being omitted. These amendments are identical to those published under Notice as **ARC 2430B**, IAB 4/30/03.

[Filed 6/6/03, effective 7/30/03]

[Published 6/25/03]

[For replacement pages for IAC, see IAC Supplement 6/25/03.]

ARC 2550B**UTILITIES DIVISION[199]****Adopted and Filed**

Pursuant to Iowa Code sections 476.1, 476.2, 479.1, 479.5, 479.6, 479.17, 479A.1, 479A.10, 479B.1, 479B.5, 479B.14, and 17A.4, the Utilities Board (Board) issued an order on May 29, 2003, in Docket No. RMU-03-5, In re: Gas Pipeline and Storage Rules Revisions; Executive Orders No. 8 and 9. Required Revisions to Chapters 10, 12, and 13, "Order Adopting Amendments." Notice of Intended Action was published in IAB Vol. XXV, No. 20 (4/2/03) p. 1334, **ARC 2379B**. The rule making was commenced based upon the Board's review of its rules in response to Executive Order Numbers 8 and 9.

Timely comments were filed by the Consumer Advocate Division of the Department of Justice (Consumer Advocate), MidAmerican Energy Company (MidAmerican), and Interstate Power and Light Company (IPL). All comments supported the proposed amendments. The order adopting amendments contains a discussion of the comments and the Board responses. The order is available on the Board's Web site at www.state.ia.us/iub. No oral presentation was scheduled or requested.

These amendments are intended to implement Iowa Code sections 476.1, 476.2, 479.1, 479.5, 479.6, 479.17, 479A.1, 479A.10, 479B.1, 479B.5, 479B.14, and 17A.4.

These amendments will become effective July 30, 2003.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amendments to Chs 10, 12, 13] is being omitted. These amendments are identical to those published under Notice as **ARC 2379B**, IAB 4/2/03.

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[For replacement pages for IAC, see IAC Supplement 6/25/03.]

ARC 2548B**UTILITIES DIVISION[199]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 17A.4, 476.1, 476.1A, 476.1B, 476.1C, 476.2, 476.9, 476.16, 476.18, 476.71, 476.74, and 476.77, the Utilities Board (Board) issued an order on June 5, 2003, adopting amendments in Docket No. RMU-02-10, In re: Executive Orders 8 and 9 Revisions to Chapters 16, 18, 23, 31, 32, 33, and 34, "Order Adopting Amendments." The Board order adopts amendments updating, revising, and clarifying Board rules in Chapters 16, 18, 23, 31, 32, 33, and 34 based upon a review conducted in response to Executive Orders 8 and 9. Notice of Intended Action was published in IAB Vol. XXV, No. 13 (12/25/02) p. 945, as **ARC 2213B**.

Written comments were filed by MidAmerican Energy Company (MidAmerican), Interstate Power and Light Company (IPL), the Consumer Advocate Division of the Department of Justice (Consumer Advocate), the Iowa Association of Municipal Utilities (IAMU) and the Iowa Association of

UTILITIES DIVISION[199](cont'd)

Electric Cooperatives. The Board did not schedule an oral presentation and no one requested a presentation.

Several nonsubstantive changes have been made to the Notice of Intended Action. The changes include corrections in references to federal regulations and clarification of the amended rules.

In subrules 16.2(1) and 16.2(2), the following new sentence was added at the end of each subrule:

"This change does not apply to definitions found in Rural Utilities Service uniform systems of accounts for rural electric cooperatives."

The following new sentence was added at the end of subrule 16.2(5):

"Rural electric cooperatives not subject to rate regulation may choose to keep all applicable accounts in accordance with the Rural Utilities Service uniform systems of accounts."

The catchwords for rule 18.4(476) have been amended to read as follows:

"199—18.4(476) Electric utilities other than rural electric cooperatives."

Paragraph 31.3(1)"a" has been changed and now reads as follows:

"a. An executive summary of each new or revised contract, arrangement, or other similar transaction between the public utility and an affiliate. The executive summary shall include: the document number, the start and end date of the contract, the providing affiliate, the receiving affiliate, the total estimated dollar value, the dollar amount reported for the calendar year, and a description of the service or goods covered."

Language has been added to the introductory paragraph of rule 33.5(476). The rule now reads as follows:

"199—33.5(476) Cost allocation manuals. Every rate-regulated gas or electric public utility equaling or exceeding the filing threshold in any calendar year shall file with the

board a cost allocation manual on or before September 1 of the following year. If the utility has not changed its cost allocation manual since the last filing on September 1, the utility shall file a letter with the board to that effect. Refer to subrule 33.5(3) for information on updating cost allocation manuals. In the event the utility has made only minor changes to its manual regarding new accounts or new affiliates, or has modified language, the utility may file only the pages affected. The filing shall include a cover letter explaining the pages being filed."

The first unnumbered paragraph of subrule 34.6(2) was changed to read as follows:

"A person shall not use a public utility's billing and collection systems to bill and receive payments only from customers who are habitually delinquent or who have failed or refused to make payment to the person."

The order adopting the amendments, with the Board's discussion of the comments, can be found on the Board's Web site at www.state.ia.us/iub.

These amendments are intended to implement Iowa Code sections 17A.4, 476.1, 476.1A, 476.1B, 476.1C, 476.2, 476.9, 476.16, 476.18, 476.71, 476.74, and 476.77.

These amendments will become effective July 30, 2003.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amendments to Chs 16, 18, 23, 31 to 34] is being omitted. With the exception of the changes noted above, these amendments are identical to those published under Notice as **ARC 2213B**, IAB 12/25/02.

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AGENCY	RULE	DELAY
Utilities Division[199]	42.9(3), 42.9(4) [IAB 5/28/03, ARC 2506B]	Effective date of July 2, 2003, delayed 70 days by the Administrative Rules Review Committee at its meeting held June 9, 2003. [Pursuant to §17A.4(5)]

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